

## CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

## PLAINTIFFS

Official Committee of Unsecured Creditors of Sears Holding Corporation, et al.

## DEFENDANTS

See attached Schedule.

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)  
 Ira S. Dizengoff, Philip C. Dublin, Abid Qureshi, Joseph L. Sorkin, Sara Brauner, Akin Gump Strauss Hauer & Feld, LLP, One Bryant Park, New York, New York 10036, Telephone: (212) 872-1000

ATTORNEYS (IF KNOWN)  
 See attached Schedule.

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)  
 (DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Appeal, pursuant 28 U.S.C. § 158(a)(1), from the Bankruptcy Court's *Order Determining the Amount to Surcharge Second-Lien Collateral Pursuant to Section 506(C) of the Bankruptcy Code* [ECF No. 4793], entered August 8, 2019.

Judge Previously Assigned

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No  Yes

If yes, was this case Vol.  Invol.  Dismissed. No  Yes  If yes, give date \_\_\_\_\_ & Case No. \_\_\_\_\_

## IS THIS AN INTERNATIONAL ARBITRATION CASE?

No  Yes

(PLACE AN  IN ONE BOX ONLY)

## NATURE OF SUIT

		TORTS	ACTIONS UNDER STATUTES			
CONTRACT	PERSONAL INJURY	PERSONAL INJURY [ ] 367 HEALTHCARE/ PHARMACEUTICAL PERSONAL INJURY/PRODUCT LIABILITY	FORFEITURE/PENALTY [ ] 625 DRUG RELATED SEIZURE OF PROPERTY [ ] 365 PERSONAL INJURY PRODUCT LIABILITY	BANKRUPTCY [ ] 422 APPEAL 28 USC 158	OTHER STATUTES [ ] 375 FALSE CLAIMS [ ] 376 QUI TAM [ ] 400 STATE REAPPORTIONMENT	
[ ] 110 INSURANCE	[ ] 310 AIRPLANE	[ ] 315 AIRPLANE PRODUCT	[ ] 690 OTHER	[ ] 423 WITHDRAWAL 28 USC 157	[ ] 410 ANTITRUST [ ] 430 BANKS & BANKING [ ] 450 COMMERCE [ ] 460 DEPORTATION	
[ ] 120 MARINE	[ ] 315 AIRPLANE PRODUCT	[ ] 320 ASSAULT, LIBEL & SLANDER	PROPERTY RIGHTS		[ ] 470 RACKETEER INFLU- ENCED & CORRUPT ORGANIZATION ACT (RICO)	
[ ] 130 MILLER ACT	[ ] 320 ASSAULT, LIBEL & SLANDER	[ ] 330 FEDERAL EMPLOYERS' LIABILITY	PERSONAL PROPERTY [ ] 820 COPYRIGHTS [ ] 830 PATENT	SOCIAL SECURITY [ ] 840 TRADEMARK	[ ] 480 CONSUMER CREDIT [ ] 490 CABLE/SATELLITE TV	
[ ] 140 NEGOTIABLE INSTRUMENT	[ ] 320 ASSAULT, LIBEL & SLANDER	[ ] 340 MARINE	[ ] 370 OTHER FRAUD	[ ] 835 PATENT-ABBREVIATED NEW DRUG APPLICATION	[ ] 850 SECURITIES/ COMMODITIES/ EXCHANGE	
[ ] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[ ] 330 FEDERAL EMPLOYERS' LIABILITY	[ ] 345 MARINE PRODUCT	[ ] 371 TRUTH IN LENDING	[ ] 840 TRADEMARK	[ ] 860 OTHER STATUTORY ACTIONS	
[ ] 151 MEDICARE ACT	[ ] 345 MARINE PRODUCT	[ ] 350 MOTOR VEHICLE			[ ] 891 AGRICULTURAL ACTS	
[ ] 152 RECOVERY OF DEFUNTED STUDENT LOANS (EXCL VETERANS)	[ ] 355 MOTOR VEHICLE	[ ] 360 OTHER PERSONAL INJURY	[ ] 380 OTHER PERSONAL PROPERTY DAMAGE	LABOR [ ] 710 FAIR LABOR STANDARDS ACT	[ ] 864 SSID TITLE XVI [ ] 865 RSI (405(g))	
[ ] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS	[ ] 362 PERSONAL INJURY - MED MALPRACTICE	[ ] 385 PROPERTY DAMAGE	[ ] 385 PROPERTY DAMAGE PRODUCT LIABILITY	[ ] 720 LABOR/MGMT RELATIONS	[ ] 870 TAXES (U.S. Plaintiff or Defendant)	
[ ] 160 STOCKHOLDERS SUITS				[ ] 740 RAILWAY LABOR ACT	[ ] 883 ENVIRONMENTAL MATTERS	
[ ] 190 OTHER CONTRACT				[ ] 751 FAMILY MEDICAL LEAVE ACT (FMLA)	[ ] 885 FREEDOM OF INFORMATION ACT	
[ ] 195 CONTRACT PRODUCT LIABILITY	ACTIONS UNDER STATUTES				[ ] 896 ARBITRATION	
[ ] 196 FRANCHISE	CIVIL RIGHTS				[ ] 899 ADMINISTRATIVE PROCEDURE ACT/REVIEW OR APPEAL OF AGENCY DECISION	
		[ ] 440 OTHER CIVIL RIGHTS (Non-Prisoner)	[ ] 530 HABEAS CORPUS [ ] 535 DEATH PENALTY [ ] 540 MANDAMUS & OTHER	[ ] 790 OTHER LABOR LITIGATION [ ] 791 EMPL RET INC SECURITY ACT (ERISA)	[ ] 950 CONSTITUTIONALITY OF STATE STATUTES	
REAL PROPERTY				IMMIGRATION		
[ ] 210 LAND CONDEMNATION	[ ] 441 VOTING			[ ] 462 NATURALIZATION		
[ ] 220 FORECLOSURE	[ ] 442 EMPLOYMENT	PRISONER CIVIL RIGHTS		[ ] 465 OTHER IMMIGRATION ACTIONS		
[ ] 230 RENT LEASE & EJECTMENT	[ ] 443 HOUSING/ ACCOMMODATIONS	[ ] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT	[ ] 550 CIVIL RIGHTS [ ] 555 PRISON CONDITION [ ] 560 CIVIL DETAINEE CONDITIONS OF CONFINEMENT			
[ ] 240 TORTS TO LAND		[ ] 446 AMERICANS WITH DISABILITIES - OTHER				
[ ] 245 TORT PRODUCT LIABILITY		[ ] 448 EDUCATION				
[ ] 290 ALL OTHER REAL PROPERTY						

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23

DEMAND \$ \_\_\_\_\_ OTHER \_\_\_\_\_ JUDGE Vincent L. Briccetti DOCKET NUMBER 19-cv-08002

Check YES only if demanded in complaint

JURY DEMAND:  YES  NO

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.  
AS DEFINED BY LOCAL RULE FOR DIVISION OF BUSINESS 13?

IF SO, STATE:

19-cv-07660; 19-cv-07697; 19-cv-07782

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN X IN ONE BOX ONLY)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from (Specify District)	<input type="checkbox"/> 6 Multidistrict Litigation (Transferred)	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge
<input checked="" type="checkbox"/> a. all parties represented						<input type="checkbox"/> 8 Multidistrict Litigation (Direct File)
<input type="checkbox"/> b. At least one party is pro se.						

(PLACE AN X IN ONE BOX ONLY)

1 U.S. PLAINTIFF  2 U.S. DEFENDANT  3 FEDERAL QUESTION  4 DIVERSITY  
(U.S. NOT A PARTY)

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	[ ] 1	[ ] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	[ ] 2	[ ] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	[ ] 5	[ ] 5
CITIZEN OF ANOTHER STATE	[ ] 2	[ ] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[ ] 4	[ ] 4	FOREIGN NATION	[ ] 6	[ ] 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

COURTHOUSE ASSIGNMENT

I hereby certify that this case should be assigned to the courthouse indicated below pursuant to Local Rule for Division of Business 18, 20 or 21.

Check one: THIS ACTION SHOULD BE ASSIGNED TO:  WHITE PLAINS  MANHATTAN

DATE  
8/28/19  
RECEIPT #

SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT  
[ ] NO  
 YES (DATE ADMITTED Mo. June Yr. 2009  
Attorney Bar Code # 4693727

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge \_\_\_\_\_ is so Designated.

Ruby J. Krajick, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)